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In re Application of :
VENKAT et al. :
Application No.: 10/565,662 : DECISION ON REQUEST
PCT No.: PCT/IB04/51281 :
Int. Filing Date: 22 July 2004 :
Priority Date: 25 July 2003 :
Attorney Docket No.: US030231 :
For: FILAMENT CUTOUT CIRCUIT

This decision is issued in response to applicants' "Response to Decision on Request for Correction of Inventorship dated 10 May 2007" filed 02 July 2007, which is being treated as a renewed request under 37 CFR 1.497(d) to correct the inventorship of the present national stage application. The petition fee has been submitted.

BACKGROUND

On 22 July 2004, applicants filed international application PCT/IB04/51281 which claimed a priority date of 25 July 2003. The published international application identified two applicant/inventors for the United States: Rama Venkat and Patrick Keegan. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 January 2006.

On 23 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a preliminary amendment; and a copy of the international application.

On 05 May 2006, the United States Designated/Elected Office mailed "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 06 November 2006, applicants filed a request under 37 CFR 1.497(d) to add Ernesto Mendoza as an inventor. In a decision dated 22 December 2006, applicants' petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 13 March 2007, applicants filed a renewed request under 37 CFR 1.497(d). In a decision dated 10 May 2007, applicants' petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 02 July 2007, applicants submitted the present renewed request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventor Ernesto Mendoza to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

- (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
 - (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
 - (2) The processing fee set forth in § 1.17; and
 - (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
 - (4) any new oath or declaration required by paragraph (f) of this subsection.

With respect to item (1), applicants have submitted a statement from the inventor being added, Ernesto Mendoza, in which the inventor states that the earlier error in inventorship did not result from deceptive intent on his part. Item (1) is therefore satisfied.

With respect to item (2), applicants have submitted the required \$130 processing fee. Item (2) is therefore satisfied.

With respect to item (3), applicants have submitted a statement of consent to the change of inventorship executed on behalf of the assignee, Koninklijke Philips Electronic N.V. This consent is accompanied by a Statement under 37 CFR 3.73(b). Item (3) is therefore satisfied.

Item (4) does not apply to the present application.

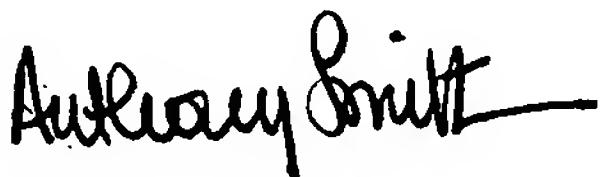
Accordingly, applicants have satisfied all the requirements for correction of inventorship under 37 CFR 1.497(d).

CONCLUSION

Applicants' request for correction of inventorship under 37 CFR 1.497(d) is **GRANTED**.

Ernesto Mendoza is added as an inventor herein.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.


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